

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Catherine Ghidella,)	
)	
Plaintiff,)	Civil Action No. 0:18-cv-01999-JMC
)	
v.)	ORDER
)	
Andrew Saul, Commissioner)	
of Social Security Administration,)	
)	
Defendant.)	
)	

The matter before the court is Plaintiff Catherine Ghidella’s (“Plaintiff”) Motion for Attorney’s Fees and Costs under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412 *et seq.* (2019), filed on November 13, 2019. (ECF No. 24.) Defendant Andrew Saul, Commissioner of Social Security Administration (“the Commissioner”), filed a Response to Plaintiff’s Motion on November 22, 2019, stipulating that upon the court’s approval, Plaintiff’s Motion shall be withdrawn and:

Plaintiff shall be awarded attorney fees in the amount of Four Thousand, One Hundred Dollars and 00/100 Cents (\$4,100.00) and expenses in the amount of Sixteen Dollars and 00/100 Cents (\$16.00) under [Section 2412(d)], and costs in the amount of Four Hundred and Seven Dollars and 00/100 Cents (\$407.00) under [Section 2412(a)].

(ECF No. 25 at 1-2.) After reviewing Plaintiff’s Motion (ECF No. 24) and the Commissioner’s Response (ECF No. 25), the court finds that the stipulated request for fees is reasonable and that Plaintiff is entitled to an award of attorney’s fees under the EAJA. In accordance with *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010), fees awarded pursuant to the EAJA belong to the litigant, thus subjecting EAJA fees to be offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B) (2014). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff’s

counsel. *See Ratliff*, 560 U.S. at 589. The amount of attorney's fees payable to Plaintiff will be the balance of stipulated attorney's fees remaining after subtracting the amount of Plaintiff's outstanding federal debt. (ECF No. 25 at 2). If Plaintiff's outstanding federal debt exceeds the amount of attorney's fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney's fees shall be paid. (*Id.*)

After a thorough review of Plaintiff's Motion (ECF No. 24) and the Commissioner's Response (ECF No. 25), the court deems Plaintiff Catherine Ghidella's Motion for Attorney's Fees and Costs (ECF No. 24) to be **MOOT** and the court **ACCEPTS** the parties' joint stipulation that \$4,523.00 in attorney's fees and costs shall be awarded to Plaintiff pursuant to 28 U.S.C. § 2412 (ECF No. 25).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

December 16, 2019
Columbia, South Carolina